

1 THE HONORABLE MARSHA J. PECHMAN
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67 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**9 MARK HOFFMAN, on behalf of
himself and all others similarly situated,

10 Plaintiff,

11 v.
1213 HEARING HELP EXPRESS, INC.,
14 TRIANGULAR MEDIA CORP.,
LEADCREATIONS.COM, LLC and
LEWIS LURIE,15 Defendants.
16

CASE NO. 3:19-cv-05960-JRC

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY EXPERT
RELATED DEADLINES IN
SCHEDULING ORDER****NOTED FOR CONSIDERATION:
1/6/2021****I. STIPULATION**

17 All parties hereby stipulate to modify the dates and deadlines relating to expert discovery
18 that are in the Court's current *Scheduling Order* [Dkt. No. 78]. This stipulation addresses the
19 request of Plaintiff in his *Motion to Extend Deadline to Submit Expert Testimony on Whether*
20 *Defendant's Dialing System is an ATDS* [Dkt. No. 107]. As such, the parties stipulate as follows:

21 EVENT	22 DATE
23 JURY TRIAL DATE	November 1, 2021
24 Plaintiff's reports from expert witness under FRCP 26(a)(2) due EXCEPT for witnesses testifying on whether Hearing Help's Genesys system is an ATDS	January 15, 2021
25 Defendants' reports from expert witness under FRCP 26(a)(2) due EXCEPT for witnesses testifying on whether Hearing Help's Genesys system is an ATDS	February 5, 2021

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27 STIPULATION AND [PROPOSED] ORDER
TO MODIFY EXPERT DEADLINES - 1
No. 3:19-cv-05960-JRC

VAN KAMPEN & CROWE PLLC
1001 Fourth Avenue, Suite 4050
Seattle, Washington 98154-1000
(206) 386-7353

	EVENT	DATE
2	Deadline to move for class certification	February 25, 2021
3 4	Plaintiff's rebuttal reports from rebuttal expert witness under FRCP 26(a)(2) due EXCEPT for witnesses testifying on whether Hearing Help's Genesys system is an ATDS	February 25, 2021
5 6	Defendants' reports from rebuttal expert witness under FRCP 26(a)(2) due EXCEPT for witnesses testifying on whether Hearing Help's Genesys system is an ATDS	March 15, 2021
7	Discovery completed by (except for expert discovery)	April 30, 2021
8 9	All motions related to discovery must be filed by and noted on the motion calendar on the third Friday thereafter (see CR7(d))	May 6, 2021
10 11 12	All reports from expert witnesses under FRCP 26(a)(2) due on the ATDS issue	June 25, 2021, or 45 days following the decision in <i>Duguid v. Facebook</i> , whichever is earlier
13	Rebuttal reports from any rebuttal expert witnesses under FRCP 26(a)(2) due on the ATDS issue	July 16, 2021
14	Expert discovery cutoff	July 23, 2021
15 16	All motions related to discovery must be filed by and noted on the motion calendar on the third Friday thereafter (see CR7(d)) for EXPERTS only	July 29, 2021
17 18	All dispositive motions must be filed by and noted on the motion calendar on the fourth Friday thereafter (see CR7(d))	August 5, 2021
19 20	Counsel are cognizant of the requirement to provide courtesy copies of any motions with exhibits or other attachments exceeding 50 pages.	
21 22	All motions in limine must be filed by and noted on the motion calendar no earlier than the third Friday thereafter and no later than the Friday before the pretrial conference	September 27, 2021
23	Agreed pretrial order due	October 19, 2021
24	Trial briefs, proposed voir dire questions, and proposed jury instructions	October 19, 2021
25 26	Pretrial conference	October 21, 2021 at 01:30 PM
27	Length of Jury Trial	5 – 7 days

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COOPERATION:

As required by CR 37(a), counsel will resolve all discovery matters by agreement, if possible. Counsel shall also cooperate in preparing the final pretrial order in the format required by CR 16.1, except as set forth below.

EXHIBITS:

The original and one copy of the trial exhibits are to be delivered to chambers four days before the trial date. Each exhibit shall be clearly marked. Exhibit tags are available in the Clerk's Office. Pursuant to this Court's practices, plaintiff's exhibits shall be numbered consecutively beginning with 1 and defendants' exhibits shall be numbered consecutively beginning with the next number series not used by plaintiff. Duplicate documents shall not be listed twice: once a party has identified an exhibit in the pretrial order, any party may use it. Each set of exhibits shall be submitted in individual file folders with appropriately numbered tabs.

SETTLEMENT:

Should this case settle, counsel shall notify Rhonda Miller as soon as possible at (206) 370-8518.

RESPECTFULLY SUBMITTED AND DATED this 6th day of January, 2021.

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STIPULATION AND [PROPOSED] ORDER
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27 *Attorneys for Defendants Lewis Lurie and*
LeadCreations.Com LLC

28 **I. [PROPOSED] ORDER**

29 IT IS SO ORDERED.

30 Dated this _____ day of _____, 2021.

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CERTIFICATE OF SERVICE

I, Nicole Metral, hereby certify that on January 6th, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorney for Defendant Lewis Lurie and
Defendant LeadCreations.Com, LLC

Signed at Los Angeles, California this 6th day of January 2021.

/s/ Nicole Metral
Nicole Metral

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